

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Forest Department - Diversion of 34.568 hectares in RF (out of the total 46.848 hectares of forest land required for the project including the 12.28 hectares of forest land located in Coringa Wildlife Sanctuary) for laying of sub-sea pipeline system buried below Neelarevu River Bed, in favour of M/s. Gujarat State Petroleum Corporation Ltd.(GSPC Ltd.).- Permission accorded - Orders - Issued.

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**ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (Section.II) DEPARTMENT**

**G.O.MS.No. 71**

**Dated:25-8-2014.**

**Read the following:-**

1. From PCCF, A.P. Hyd. Lr. Rc.No.45682/2012/F1, dt.7-5-2013
2. From PCCF (WL)& CWLW,AP, Hyd. Lr.Rc.No.46312/2012/WL-1, dt.15-05-2013.
3. State Govt. Lr No. 3824/For.I(I)/2013, dated. 22-5-2013.
4. From PCCF, AP, Hyd. Lr. Rc. No. 45682/2012-F1, dt.23-9-2013.
5. State Govt. Lr No. 3824/For.I(I)/2013, dated. 3-10-2013.
6. From GoI, MoEF, Wildlife Division, F.No.6-43/2007 WL-I (30<sup>th</sup> Meeting) dt.12-11-2013.
7. From GoI, MoEF, New Delhi F.No.8-85/2013-FC, dt. 7-01-2014.
8. Hon'ble Supreme Court of India in its order dated. 27-1-2014 in IA No. 162 and 163 in WP (Civil) No. 337 of 1995
9. State Govt. Lr No. 3824/For.I(I)/2013, dated.21-6-2014.
10. From GoI, MoEF, New Delhi F.No.8-85/2013-FC, dt. 4-7-2014

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The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad in his letter 1<sup>st</sup> read above, has submitted a proposal under Forest (Conservation) Act, 1980, for diversion of 33.38 Ha. of forest land in Rathikalva RF, of kakinada Range for laying of sub-sea pipeline, in favour of M/s. Gujarat State Petroleum Corporation Ltd (GSPC Ltd.).

2. The Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Andhra Pradesh in his letter 2<sup>nd</sup> read above, has submitted a proposal under Wildlife (Protection) Act, 1972 for diversion of 12.28 Ha of forest land in Coringa Wildlife Sanctuary, in favour of M/s. Gujarat State Petroleum Corporation Ltd (GSPC Ltd.), for laying sub-sea pipeline system buried below Neelarevu River Bed.

3. The State Government in the letter 3<sup>rd</sup> read above, have forwarded the proposals to the Government of India, Ministry of Environment & Forests, for their approval under Section-2 of Forest (Conservation) Act, 1980 and to the Member Secretary, National Board for Wildlife for approval of Standing Committee of National Board for Wildlife, as required under Wildlife (Protection) Act, 1972.

4. The Principal Chief Conservator of Forests, Andhra Pradesh, in his further letter 4<sup>th</sup> read above, has reported that the proposed pipeline is passing through Rathikalva RF to a length of 4.321 Km (34.568 Ha) as against 4.172 Km (33.38 Ha) proposed earlier and the total extent of forest land proposed for diversion is 46.848 Ha (i.e., 34.568 Ha in RF area & 12.28 Ha in Sanctuary area ) to that of previously proposed diversion area of 45.66 Ha (i.e., 33.38 Ha in RF area & 12.28 Ha in Sanctuary area). The State Government in the reference 5<sup>th</sup> read above, have reported the same to Government of India, Ministry of Environment & Forests.

(Contd-2)

5. The Government of India, Ministry of Environment & Forests, Wildlife Division in their letter 6<sup>th</sup> read above, have informed that the Standing Committee of the National Board of Wildlife in its 30<sup>th</sup> meeting held on 4-9-2013, has recommended the proposal **“subject to the condition that the forest department should not transfer any forest land / sanctuary land for this purpose and the following conditions as stipulated by the State Board for Wildlife:-**

**A) 5% of the investment cost of the pipeline in the vicinity of protected areas / Eco-sensitive Zone / Forest area, for the improvement of the habitat of the three sanctuaries besides which pipeline passes.**

**B) The modalities of management of this amount for the Coringa Wildlife Sanctuary will be done in supervision of the Sanctuary management**

6. The Government of India, Ministry of Environment & Forests, in their letter 7<sup>th</sup> read above, have accorded their approval in-principle (Stage-I) U/s 2 of Forest (Conservation) Act, 1980, for diversion of 34.568 hectares in RF (out of the total 46.848 hectares of forest land required for the project including the 12.28 hectares of forest land located in Coringa Wildlife Sanctuary) for laying of sub-sea pipeline system buried below Neelarevu River Bed, in favour of M/s. Gujarat State Petroleum Corporation Ltd.(GSPC Ltd.), subject to fulfillment of certain conditions as stipulated therein.

7. The Hon'ble Supreme Court of India in the reference 8<sup>th</sup> read above, has allowed the application filed by the user agency in IA No. 162 and 163 in WP (Civil) No. 337 of 1995, subject to the following conditions:-

**I. For use of the forest land approval under Forest (Conservation) Act, 1980 will be obtained and the NPV, as per the rates decided by the Hon'ble Court for the non-forestry use of the forest land falling in Wildlife Sanctuaries, will be deposited in the Compensatory Afforestation fund,**

**II. 5% of the estimated cost of the project for the portion falling in the sanctuary will be deposited in the Compensatory Afforestation fund, for undertaking conservation and protection measures in the national Park and Wildlife Sanctuaries in the State of Andhra Pradesh; and**

**III. Conditions stipulated by the Chief Wildlife Warden, Andhra Pradesh Forest department will be strictly complied with.**

8. The State Government in the letter 9<sup>th</sup> read above, have furnished compliance report on the conditions stipulated by the Government of India, Ministry of Environment & Forests, while according in-principle (Stage.I) approval.

9. Government of India, Ministry of Environment & Forests, in their letter 10<sup>th</sup> read above, have accorded their approval (Stage.II) under Section-2 of Forest (Conservation) Act, 1980, for diversion of 34.568 hectares in RF (out of the total 46.848 hectares of forest land required for the project including the 12.28 hectares of forest land located in Coringa Wildlife Sanctuary) for laying of sub-sea pipeline system buried below Neelarevu River Bed, in favour of M/s. Gujarat State Petroleum Corporation Ltd.(GSPC Ltd.), subject to certain conditions as stipulated therein.

(Contd-3)

10. Government after careful examination of the proposal, hereby accord permission to the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad, for diversion of 34.568 hectares in RF (out of the total 46.848 hectares of forest land required for the project including the 12.28 hectares of forest land located in Coringa Wildlife Sanctuary) for laying of sub-sea pipeline system buried below Neelarevu River Bed, in favour of M/s. Gujarat State Petroleum Corporation Ltd.(GSPC Ltd.), subject to the following conditions:-.

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the non-forest land equal in extent to the forest land to be diverted which has been transferred and mutated in favour of the State Forest Department shall be raised and maintained by the State Forest Department from funds realized from the user agency.
- (iii) Non Forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest Under Section 4 or Protected Forest under Section 29 of the Indian Forest Act, 1927 or under the relevant section(s) of the local Forest Act. The Nodal Officer must report compliance within a period of 6 months from the date of grant of the approval and send a copy of the original notification declaring the non-forest land under section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act as the case may be, to the Ministry of Environment & Forests for information and record.
- (iv) State Government shall realise Additional amount of the Net Present Value (NPV) if so determined, as per the final decision of the Hon'ble Supreme Court of India and transfer the same to the ad-hoc CAMPA under intimation to the Ministry of Environment & Forests.
- (v) The State Government and the User Agency shall comply with the conditions stipulated by the Standing Committee of the National Board for Wildlife (NBWL);
- (vi) Prior approval of the Central Government under the Forest (Conservation) Act, 1980, for diversion of 12.28 hectares of forest land required for laying of the said pipeline in the Coringa Wildlife Sanctuary shall be obtained before use of the said forest land for laying of the proposed pipeline;
- (vii) User agency shall take due care to ensure that during laying of pipeline no damage is caused to the mangroves available on the river banks;
- (viii) State Government shall create penal compensatory afforestation over degraded forest land twice in extent to the area of forest land utilized for execution of work in the forest land prior to obtaining prior approval of Central Government under the Forest (Conservation) Act, 1980 from the funds realized from the user agency.
- (ix) A contingent fund as decided by the Andhra Pradesh Forest Department may be kept with the department for taking welfare measures of the VSS community of this area in order to prevent damage to coastal eco-system of this area;
- (x) User Agency in consultation with the State Forest Department shall create and maintain alternate habitat / home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

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- (xi) User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xiii) No labour camp shall be established on the forest land;
- (xiv) User Agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- (xv) Boundary of the forest land proposed to be diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xvi) Forest land shall not be used for any purpose other than that specified in the proposal;
- (xvii) Any other condition that the concerned Regional Office of the Ministry of Environment & Forests, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xviii) User Agency shall submit the annual report on compliance to conditions stipulated in the approval to the State Government and concerned Regional Office of the Ministry of Environment & Forests; and
- (xix) User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

11. The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad is directed to take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)  
S.P. SINGH  
PRINCIPAL SECRETARY TO GOVERNMENT.

To  
The Principal Chief Conservator of Forests,  
Andhra Pradesh, Hyderabad.

The Principal Chief Conservator of Forests, (WL) & CWLW,  
Andhra Pradesh, Hyderabad

**Copy to:**

The Inspector General of Forests,  
Government of India, Ministry of Environment & Forests,  
Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110 003.

The Deputy Inspector General of Forests, (Wildlife)  
Government of India, Ministry of Environment & Forests, Wildlife Division.  
Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-110 003

M/s. Gujarat State Petroleum Corporation Ltd. (GSPC Ltd.)  
GSPC Bhavan, Sector-11, Gandhinagar, Gujarat State -382 016.

SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER.